

With respect to the claims presently rejected as representing double patenting in the sense of claiming the "same invention", Applicant refers to the very authority used by Examiner to justify such rejections. In that authority, the term "same invention" is defined as an invention drawn to "identical subject matter" (Emphasis added).

However, there is no possibility whatsoever for Examiner to rationally justify a position to the effect that claims 10-11, 52, 55, 59 and 65 have their identical counterparts in the particular claims of '938 asserted by Examiner.

Quite the contrary, as explained by the following.

(a) Each of claims 10-11, rejected over claim 7 of '938, expressly includes the following claim element:

"power supply ... having ... plural pairs of power output terminals; an approximately sinusoidal voltage being provided between each pair of power output terminals". (Emphasis added)

This identical feature is definitely not described in claim 7 of '938, as asserted by Examiner; which, with utter and unmistakable clarity, means that claims 10-11 do not represent inventions identical to that of said claim 7. Examiner is just plain dead wrong in holding otherwise.

In fact, Examiner has even failed to point out where in claim 7 this identical feature might be described.

(b) Each of claims 10-11 also expressly includes the following claim element:

"a ceiling".

This identical feature is definitely not described in claim 7, as asserted by Examiner; which, with utter and unmistakable clarity, means that claims 10-11 do not represent inventions identical to that of said claim 7. Examiner is just plain dead wrong in holding otherwise.

In fact, Examiner has even failed to point out where in claim 7 this identical feature might be described.

(c) The invention defined by claim 7 is perfectly useful even when not combined with "a ceiling". In fact, it is eminently useful in numerous important applications not involving "a ceiling".

In claims 10-11, the inclusion of "a ceiling" adds another element to the claims, thereby rendering them narrower than claim 7 and thereby certainly not identical to claim 7.

(d) Each of claims 45 and 52, which are rejected over claims 2 and 10 of '938, respectively, expressly includes the following claim element:

"a ceiling".

This identical feature is definitely not described either by claim 2 or claim 10 of '938, as asserted by Examiner; which, with utter and unmistakable clarity, means that claims 45 and 52 do not represent inventions identical to those of said claims 2 or 10. Examiner is just plain dead wrong in holding otherwise.

In fact, Examiner has even failed to point out where in said claims this feature might be described.

Clearly, by expressly including "a ceiling", claims 45 and 52 are narrower than claims 2 and 10, respectively; and thereby clearly not identical thereto.

(e) Each of claims 45 and 52 also expressly includes the following claim element:

"a power supply ... having ... plural pairs of power output terminals ... an AC voltage being provided ... the AC voltage being characterized as not being a squarewave voltage" (Emphasis added).

This identical feature is definitely not described in either of claim 2 or claim 10; which, with utter and unmistakable clarity, means that claims 45 and 52 do not represent inventions identical to those of claims 2 or 10, respectively. Examiner is just plain dead wrong in holding otherwise.

In fact, Examiner has even failed to point out where in said claims this identical feature might be described.

Clearly, by expressly including the negative limitation of "not being a squarewave voltage", claims 45 and 52 are narrower than claims 2 and 10, respectively; and thereby clearly not identical thereto.

(f) Claim 55, rejected over claim 2 of '938, expressly includes the following claim element:

"a substantially flat surface".

This identical feature is definitely not described in claim 2, as asserted by Examiner; which, with utter and unmistakable clarity, means that claim 55 does not represent an invention identical to that of claim 2. Examiner is just plain dead wrong in holding otherwise.

In fact, Examiner has even failed to point out where in said claim this identical feature might be described.

Clearly, by expressly including the claim element of "a substantially flat surface", claim 55 is rendered narrower than claim 2, and thereby clearly not identical thereto.

(g) Claim 55 also expressly includes the following claim element:

"a power supply ... having plural ... pairs of power output terminals ... an AC voltage being provided ... the AC voltage being further characterized as not being a squarewave voltage" (Emphasis added).

This identical feature is definitely not described in claim 2, as asserted by Examiner; which, with utter and unmistakable clarity, means that claim 55 does not represent an invention identical to that of claim 2. Examiner is just plain dead wrong in holding otherwise.

In fact, Examiner even failed to point out where in claim 2 this identical feature might be described.

Clearly, by expressly including the negative limitation of "not being a squarewave voltage", claim 55 is made narrower than claim 2, and thereby clearly not identical thereto.

(h) Claim 59, rejected over claim 7 of '938, expressly includes the following claim element:

"a substantially flat surface".

This identical feature is not described in claim 7, as asserted by Examiner; which, with utter and unmistakable clarity, means that claim 59 does not represent an invention identical to that of claim 7. Examiner is just plain dead wrong in holding otherwise.

Moreover, by expressly including the limitation of "a substantially flat surface", claim 55 is rendered narrower than claim 7, and thereby clearly not identical thereto.

Furthermore, Examiner even failed to point out where in claim 7 this feature might be described.

(i) Claim 59 also expressly includes the following claim element:

"a power supply having at least one pair of power output terminals ... an AC voltage being provided ... the AC voltage being ... characterized as not being a squarewave voltage" (Emphasis added).

This identical feature is definitely not described in claim 7, as claimed by Examiner; which, with utter and unmistakable clarity, means that claim 59 does not represent an invention identical to that of claim 7. Examiner is just plain dead wrong in holding otherwise.

In fact, Examiner has even failed to point out where in claim 7 this identical feature might be described.

Clearly, by expressly including the negative limitation of "not being a squarewave voltage", claim 59 is narrower than claim 2, and thereby clearly not identical thereto.

(j) Claim 65, rejected over claim 10 of '938, expressly includes the following claim element:

"a suspended ceiling in a room".

The identical feature is not described in claim 10 of '938, as asserted by Examiner; which, with utter and unmistakable clarity, means that claim 65 does not represent an invention identical to that of claim 10. Examiner is just plain dead wrong in holding otherwise.

Moreover, by expressly including the limitation of "a suspended ceiling in a room", claim 65 is rendered narrower than claim 10, and thereby clearly not identical thereto.

Also, Examiner even failed to point out where in claim 10 this feature might be described.

(k) Claim 65 also expressly includes the following claim element:

"power supply having plural ... pair of power output terminals ... an AC voltage being provided ... the AC voltage being ... characterized as not being a squarewave voltage" (Emphasis added).

This identical feature is definitely not described in claim 10, as asserted by Examiner; which, with utter and unmistakable clarity, means that claim 65 does not represent an invention identical to that of claim 10. Examiner is just plain dead wrong in holding otherwise.

Clearly, by expressly including the negative limitation of "not being a squarewave voltage", claim 65 is narrower than claim 10, and thereby clearly not identical thereto.

Also, Examiner even failed to point out where in claim 10 this identical feature might be described.

CONCLUDING REMARKS

Applicant sincerely hopes that his REMARKS suffice to convince Examiner that his "101" double patenting rejections of claims 10-11, 45, 52, 55, 59 and 65 were improper, and that -- at most -- his rejections of those claims should be based on the doctrine of obviousness-type double patenting.


If Examiner were to be so disposed, in view of the attached Terminal Disclaimer, Applicant's application would be fully allowable.

However, if Examiner were to still have doubts about allowability, Applicant requests of Examiner to call Applicant at 847-658-5615 to discuss another possible course of action.

In particular, Applicant would suggest that Examiner discuss with his supervisor the question of double patenting and the exact meaning of the term identical subject matter.

If, in spite of Applicant's expectations, Examiner were to persist in his "101" double patenting rejections, Applicant refers to the attached PROVISIONAL AMENDMENT B: which is submitted so as to provide for an alternative path for Examiner to allow the application, albeit in diminished form.

However, in the latter case, Applicant would proceed to file a divisional application that includes all the claims rejected by Examiner as representing double patenting, with the intent of either getting these claims fully allowed, either directly or by way of appeal.



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